

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL J. O'CONNELL, et al.,

Plaintiffs,

v.

KINDLE INCORPORATED d/b/a KINDLE  
HEATING & COOLING,

Defendant.

Case No. 4:05CV743SNL

**ORDER**

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132.

Defendant was served with the summons and Complaint on May 13, 2005, and has not filed an answer or otherwise entered an appearance.

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendant to submit to a financial examination so that plaintiffs can determine the amounts allegedly owed.

Plaintiffs have established that defendant is party to a collective bargaining agreement with Pipefitters Local 562. This agreement requires defendant to submit contributions to the Plumbers and Pipefitters Funds, and authorizes plaintiffs to examine the financial records of defendant to ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial examination.

WHEREFORE, defendant is hereby ordered to provide to plaintiffs within thirty (30) days of the date of this Order all of their books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to defendant's employees for the period of December 1, 2004 to date.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATE: 8/24/05